
Appeal Decision

Site visit made on 7 November 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 December 2016

Appeal Ref: APP/A1720/W/16/3151126

Land to the rear of 274 Botley Road, Burridge, Hampshire, SO31 1BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Collins against the decision of Fareham Borough Council.
 - The application Ref P/15/0946/OA, dated 17 September 2015, was refused by notice dated 27 November 2015.
 - The development proposed is the erection of one chalet bungalow together with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with only access and landscaping to be determined at this stage. I have dealt with the appeal on this basis.
3. Drawing VIS/02 was submitted with the appeal which shows a revised visibility splay. The appellant submitted this to the Council prior to the submission of the appeal. The Council have also had the opportunity to comment on this in their appeal statement. No party would be prejudiced by my taking drawing VIS/02 into consideration in the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed access on highway safety, having particular regard to visibility to the north at the junction of the footpath with Botley Road.
5. A second reason for refusal relating to harm as a result of the 'in combination' effects of the development through increased recreational disturbance on the Solent Coastal Special Protection Areas is no longer being pursued by the Council following the submission of a unilateral undertaking which allows for a contribution of £176 towards the Solent Disturbance Mitigation Project. There is no need, therefore, for me to take this matter further.

Reasons

6. The appeal concerns an area of land accessed by a footpath off of Botley Road which is a 30 mile per hour road. As noted in the appellant's Highway Statement, Manual for Streets sets out that it is usual to use a 59m visibility 'Y'
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- distance on 30 mile per hour roads. The application submitted to the Council included a drawing which demonstrated a visibility splay to the north of 2.0 x 48m (C.075/11). The Council agree with the appellant's assessment of the extent of available visibility splay shown on this plan and consider it is not sufficient to ensure the safe movement of vehicles in and out of the junction.
7. The appellant does not consider a 48m visibility to be detrimental to highway safety. However, I have had regard to the guidance contained in Manual for Streets, as outlined above. I also note the accidents referred to in the appellant's transport statement along Botley Road, in the vicinity of the appeal site, which include rear shunts and overtaking. Whilst no actual accidents have been reported at the junction in question, this nevertheless indicates that there are issues of speed and visibility for drivers along this section of Botley Road. Consequently I find no compelling reason to accept a visibility less than that required by Manual for Streets in this case.
 8. The appeal site has a planning history which includes application P/12/0373/OA which was later dismissed at appeal (ref APP/A1720/A/13/2189137). The appeal dealt with the issue of highway safety at the junction of the footpath with Botley Road. It found that adequate visibility northwards along Botley Road could not be achieved as, at that time, the owners of 270 Botley Road had moved and re-sited their boundary fence, thereby removing a splay of land over which the required visibility could be achieved.
 9. An updated plan showing a visibility splay of 2.0 x 60m (VIS/02) was submitted with the appeal. This is said to be based on a more accurate survey. At the time of my site visit the splay at No 270 had been reinstated. However, shrubs had been planted on this area of land. These will, in time, grow and increasingly reduce the visibility afforded by this splay. Plan VIS/02 shows the visibility splay just clipping the splay in the ownership of No 270. As this land is not in the ownership of the appellant they do not have sufficient control to ensure visibility over this area is retained in perpetuity.
 10. Based on the above I am not satisfied suitable visibility can be achieved to the north from the junction of the footpath with Botley Road. I note the comment that the appellant has maintained visibility along the footpath generally without challenge thus far. However I cannot be certain this would be the case with respect to the shrubs planted in the splay and the fact that No 270 has objected to the proposal adds to my concerns in this respect.
 11. Whilst I note there was previously a secondary access to No 270 along this footpath, which has now been closed, this does not justify allowing a proposal to reintroduce additional vehicle movements at this junction, given the harm I have found. I note another application referred to by the appellant where, it is stated, a reduced visibility splay was accepted by the Council. I have no substantive information before me in respect of this in order to draw any meaningful conclusions, but, in any event, each appeal must be determined on its own planning merits.

Conclusion

12. For the reasons set out above the proposal would be detrimental to highway safety and as such would conflict with Policy CS5 of the Core Strategy (2011) which, amongst other things, requires development to not adversely affect the safety of the local road network. The fact that the proposal would improve the

existing junction insofar as it would allow vehicles to pass on the footpath does not outweigh this harm. The appeal is, therefore, dismissed.

Hayley Butcher

INSPECTOR